

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 23-60114-CR-SCOLA**

**UNITED STATES OF AMERICA,**

**vs.**

**HAVEN CATES III,**

**Defendant.**

\_\_\_\_\_ /

**FACTUAL PROFFER**

The United States of America and Haven Cates III (the “Defendant”) agree that had this case gone to trial, the United States would have proven the following facts, among others, beyond a reasonable doubt:

1. On January 24, 2023, Haven Cates III (Cates), a United States citizen, arrived at the Fort Lauderdale-Hollywood International Airport (FLL) on a Spirit Airlines flight from Bogota, Colombia. Cates was traveling alone. Customs and Border Protection (CBP) Officers referred Cates to secondary inspection for further processing and examination of his purpose of travel. During the secondary examination, CBP Officers discovered Cates was traveling with an iPhone 12 Pro Max and an iPhone X. Cates advised that he had traveled to Colombia for pleasure and while there, he engaged in sexual activities with four to five females. Cates provided CBP with the password for his iPhones. CBP Officers conducted a preliminary review of Cates’ iPhone 12 Pro Max, which was in airplane mode. During the review, law enforcement discovered the phone number of the iPhone 12 Pro Max was 770-440-5818 and the Apple ID was “haven91@yahoo.com”.

2. During the review of Cates' iPhone 12 Pro Max and iPhone X, law enforcement discovered several dozen sexually explicit WhatsApp text conversations with females who clearly stated in the conversations that they were under the age of eighteen (18). The phone numbers associated with the underage females were foreign numbers from Colombia, the Dominican Republic, and other countries. Law enforcement also discovered numerous pictures and videos of child pornography, including images sent to him from underage females with whom he was chatting.

Minor Victim 1

3. One of the minor females with whom Cates communicated was born in August 2004 (hereinafter "Minor Victim 1"). In her conversations with Cates, Minor Victim 1 utilized Colombian telephone numbers ending in 4444 (the "4444 number") and 3808 (the "3808 number"). While using the 4444 number, Minor Victim 1 repeatedly advised Cates that she was 16 years old.

4. In conversations from March and May of 2021, when she was 16 years old, Minor Victim 1 sent pictures of herself displaying a tattoo of the word "Haven" – Cates' first name – on her arm. In a chat conversation from May 19, 2021, Cates asked Minor Victim 1, "When was the last time you had sex" to which she responded, "Contigo." which in Spanish means, "with you."

5. On December 14, 2021, while using the 3808 number, Cates and Minor Victim 1 – who was 17 years old at the time – discussed multiple times about having sex. In that same conversation, Cates discussed ejaculating in and on her.

6. In addition to communicating with Cates, Minor Victim 1 also sent sexually explicit videos of herself to him. In one video, dated May 6, 2021, Minor Victim 1 exposed her bare breasts and vagina. The video also captured Minor Victim 1's face, as well as the previously discussed

“Haven” tattoo. The video is approximately one minute and one second long.

Minor Victim 2

7. Another minor female with whom Cates communicated was born in April 2005 (hereinafter “Minor Victim 2”). In her conversations with Cates, Minor Victim 2 utilized a Colombian telephone number ending in 4437 (the 4437 number).

8. On February 27, 2021, during a chat conversation, Cates asked Minor Victim 2 – who was 16 years old at the time, “Who was the last person you had sex with me tell me the truth.” Minor Victim 2 responded, “if (sic) it was with you.”

9. In addition to communicating with Cates, Minor Victim 2 also sent sexually explicit images to Cates at his request. In one video, dated February 16, 2021, Minor Victim 2 appeared wearing an underwear. During the eleven-second video, she moved the underwear to the side and exposed her vagina, at which time she began masturbating.

Further Investigation

10. Further examination of Cates’ iPhone 12 Pro Max revealed WhatsApp chats between Cates and Minor Victim 1 in which Cates arranged to purchase Avianca airline tickets for Minor Victim 1 and Minor Victim 2 so they could fly from Medellin, Colombia, to Bogota, Colombia, to meet with Cates. During the conversations, Minor Victim 1 provided her personal information, including her full name, date of birth, and Colombian cedula number. Minor Victim 1 also provided Cates with Minor Victim 2’s full name, date of birth, and Colombian cedula number. During this time, Minor Victim 1 would have been 17 years old, and Minor Victim 2 would have been 16 years old.

11. Law enforcement also located screenshots of the Avianca flight itineraries for Minor Victim 1 and Minor Victim 2 for Avianca flight AV 9313 departing from Medellin to

Bogota on January 21, 2022, with a return flight on AV 8434 on January 22, 2022. The flights were booked on January 10, 2022.

12. A check of travel records for Cates revealed that from January 2020 through the present, Cates took thirteen (13) flights from the United States to Colombia and traveled through FLL as the departure airport. Of importance, Cates departed FLL to Bogota on January 20, 2022, and returned from Bogota to FLL on January 24, 2022. This means that he would have been in Bogota on January 21, 2022, coinciding with the travel Cates arranged for Minor Victim 1 and Minor Victim 2 so that he could meet with them for the purpose of sex.

13. The information contained in this proffer is not a complete recitation of all the facts and circumstances of this case, but the parties admit it is sufficient to prove beyond a reasonable doubt that violations of Title 18, United States Code, Section 2423(b), as charged in the Indictment, had occurred.

MARKENZY LAPOINTE  
UNITED STATES ATTORNEY

Date: 12/12/23

By: 

AJAY J. ALEXANDER  
ASSISTANT UNITED STATES ATTORNEY

Date: 12/11/23

By: 

SAMUEL RABIN, ESQUIRE  
COUNSEL FOR DEFENDANT

Date: 12/11/23

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HAVEN CATES III  
DEFENDANT